IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

Bail Appl..No. 1285 of 2007()

CP.1/2007 of J.M.F.C.,PERUMBAVOOR

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: PETITIONERS/2ND AND 4TH ACCUSED

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1. VALSAN, S/O. VELAYUDHAN, AGED 44,
PUNNAKKAKUDI HOUSE, MALAYATOOR P.O.,
MALAYATOOR, ERNAKULAM DISTRICT.

2. THOMAS, S/O. OUSEPH, AGED 38,
PALLIKARA HOUSE, MALAYATOOR P.O., MALAYATOOR,
ERNAKULAM DISTRICT.

BY ADV. SRI.JAIJI ITTEN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
KALADY POLICE STATION. (CRIME NO.342/1999)

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 1285 OF 2007

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DATED THIS THE 2nd DAY OF MARCH, 2007

O R D E R

Petitioners who are accused Nos.2 and 4 in Crime No.342/99 of Kalady Police Station for offences punishable under sections 55(b) and 55(g) of the Abkari Act read with section 25(1)B(a) of the Arms Act, 1959, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioners in C.P.No.1/07 on the file of J.F.C.M., Perumbavoor, non-bailable warrants of arrest are pending against them.

3. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioners should not surrender before the committal court and seek regular bail. Accordingly, if the petitioners surrender before the Magistrate and file an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after considering the explanation offered by the petitioners for their previous non-appearance.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn